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Paper No.11

In re Application of
David A. Holcomb *et al*
Application No. 09/839,027
Filed: April 19, 2001
Attorney Docket No. 200017.432

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: DECISION ON PETITION
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This is a decision on the petition filed by on November 24, 2003 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to pay the issue fee. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that the issue fee was not paid because the Notice of Allowance mailed on June 30, 2003 was not received. Petitioners have made a showing pursuant to the Notice published at 1156 OG 53, as discussed in MPEP § 711.03(c), in order to establish nonreceipt of the Notice of Allowance

Petitioners' showing of nonreceipt of the Notice of Allowance mailed June 27, 2003 is accepted. Therefore, due to the nonreceipt of the Notice of Allowance, the application is not considered to have been abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 for remailing a new Notice of Allowance, together with a complete copy of the Notice of Allowability and all attachments thereto. The period for payment of the Issue Fee will run THREE MONTHS from the date upon which the new Notice of Allowance is remailed, and cannot be extended pursuant to 37 CFR 1.136. The period for reply to certain requirements that may be set forth on the attached Notice of Allowability with respect to the submission of an oath or declaration, and with respect to certain requirements pertaining to the submission of formal drawings or drawing corrections, can no longer be extended. See 37 CFR 1.85(c), and 37 CFR 1.136(c) as amended, effective November 7, 2000, published at 65 Federal Register 54670 and 54674, respectively.

After the papers are remailed, the application will be forwarded to the Office of Patent Publication for processing into a patent. The issue fee has not been paid.

PETITION GRANTED.

E. Rollins-Cross, Director
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